

California Regional Water Quality Control Board
North Coast Region

Cleanup and Abatement Order No. 98-97

for

The Alary Corporation
Westec Tank Company
and
Westec Industries
1402 Grove Street
Healdsburg, California

Sonoma County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. The Alary Corporation, Westec Tank Company, and Westec Industries, (hereinafter Westec) spilled an estimated 50-500 gallons of phosphoric acid solution including arsenic, antimony, barium, chromium copper, iron, lead, magnesium, nickel, phosphorous, titanium, and zinc (hereinafter the discharge) from an above ground tank (vat) to Foss Creek, Sonoma County, California, on September 10 and 11, 1998. The spill occurred from the electropolish area. An overfill occurred in a process vat and resulted in a discharge to a storm drain leading to Foss Creek.
2. The discharge caused a fish kill in Foss Creek. Species included steelhead, green sunfish, catfish, and splittail. At least 1,200 feet of Foss Creek has been impacted by the spill. Foss Creek empties into Dry Creek, a tributary to the Russian River.
3. Interim remedial actions have been undertaken by Westec, including damming Foss Creek upstream and downstream of the discharge, dewatering sections of Foss Creek, and other activities.
4. The beneficial uses of Foss Creek and the Russian River include:
 - a. municipal water supply
 - b. agricultural water supply
 - c. industrial water supply
 - d. groundwater recharge
 - e. fish migration and spawning
 - f. wildlife habitat
 - g. cold water aquatic habitat
 - h. warm water aquatic habitat
 - i. contact water recreation
 - j. noncontact water recreation

5. The discharge of phosphoric acid and heavy metals solution threatens the beneficial uses of waters of the state. The discharge is toxic to aquatic life, imparts taste and odor to fish flesh and water supplies, and contains substances which threaten drinking water.
6. Westec has caused or permitted, causes or permits, or threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, and shall upon order of the Regional Water Board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.
7. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Title 14, California Code of Regulations, section 15321.

THEREFORE, IT IS HEREBY ORDERED that pursuant to California Water Code Section 13304, the Alary Corporation; Westec Tank Company and Westec Industries shall cleanup and abate the effects of the discharge and shall comply with the provisions below:

1. All investigation and cleanup tasks shall be conducted under the direction of a California registered civil engineer or geologist experienced in the area of pollution investigation and cleanup.
2. Westec shall comply with local and State agency requirements.
3. Westec shall submit by September 21, 1998, laboratory analytical test results of liquids and sludges sampled from the electropolish rinse vat, as well as a copy of the site specific Hazardous Materials Business Plan.
4. Westec shall submit forthwith to the Executive Officer for review and approval a workplan to cleanup and abate the discharge from the spill origin to Foss Creek, including a description of tasks and a time schedule for implementation. The workplan shall include, at a minimum, a description of the September 10 & 11, 1998 spill incident, a description of the Westec facility processes, plans to adequately characterize the discharge, define the extent of contamination upstream and downstream of the Dry Creek Road bridge, and a monitoring plan for Foss Creek. The workplan shall be implemented no later than 10 days following approval by the Executive Officer.
5. Westec shall submit a report no later than 45 days from implementation of the workplan. The report shall include recommendations for additional work, if needed.
6. Westec shall submit to the Executive Officer weekly written progress reports by close of business each Friday. The first written progress report is due September 18, 1998. Copies of weekly progress reports shall be submitted simultaneously to the Healdsburg Fire Department and the Department of Fish and Game.

7. Westec shall provide original laboratory reports to the Regional Water Board, with copies to the Department of Fish and Game, and the Healdsburg Fire Department as soon as possible and shall provide telephone reports to the Regional Water Board giving data results as soon as available.
8. Westec shall dispose of all removed soil, contaminated water, and other wastes at an approved disposal site no later than September 30, 1998. Such wastes shall be fully characterized and the laboratory characterization reports furnished to the Regional Water Board, Department of Fish and Game, and Healdsburg Fire Department.
9. If for any reason Westec is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive Officer, Westec may request, in writing, an extension of the time specified. The extension request shall include justification for this delay. An extension may be granted for good cause, in which case this Order will be accordingly revised.

Ordered by _____

Lee A. Michlin
Executive Officer

September 15, 1998